

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DONALD HARTMAN, Register No. 534307,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4243-CV-C-NKL
)	
DR. ALFRED GARCIA, et al.,)	
)	
Defendants.)	

ORDER

A recorded telephone conference was held on January 18, 2006, before United States Magistrate Judge William A. Knox to discuss the status of this case and to clarify who plaintiff seeks to name as defendants. Plaintiff was advised that an amended complaint replaces entirely the previous complaint and does not add to the previous complaint. Therefore, plaintiff was directed to submit one final amended complaint which names all of the parties and sets forth all of the claims he wishes to bring in this lawsuit.

Further, plaintiff was advised that if his claims are to proceed, he must make sure he has exhausted all of his administrative remedies on those claims. If plaintiff includes nonexhausted claims in his complaint, the entire complaint must be dismissed, pursuant to 28 U.S.C. § 1997(e). When multiple prison conditions claims have been joined, the plain language of section 1997e(a) requires that all available prison grievance remedies must be exhausted as to all of the claims. *Graves v. Norris*, 218 F.3d 884, 885 (8th Cir. 2000) (per curiam).

Plaintiff's physical condition and medical needs were also discussed.

On January 23, 2006, plaintiff filed a notice with the court indicating he has not exhausted his administrative remedies and requesting that his complaint be dismissed, without prejudice. In light of such filing, it is

ORDERED that plaintiff's claims are dismissed, without prejudice [40]. It is further

ORDERED that all other pending motions are denied as moot [8, 14, 29].

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: February 7, 2006
Jefferson City, Missouri